

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

RAQUEL REYNOLDS, a single person,

Plaintiff,

v.

CITY OF SEATTLE; SEATTLE POLICE
DEPARTMENT; OFFICER PETE CAVINTA,
JR; and JANE DOE CAVINTA, husband and
wife and the martial community comprised
thereof; OFFICER SCOTTY BACH and JANE
DOE BACH, husband and wife and the martial
community comprised thereof; OFFICER
DANIEL KIM and JANE DOE KIM, husband
and wife and the marital community comprised
thereof; OFFICER GERMAN BARRETO and
JANE DOE BARRETO, husband and wife and
the martial community comprised thereof;
KIRA GUZMAN and JOHN DOE GUZMAN,
wife and husband and the marital community
comprised thereof; RAYMOND FISCHER and
JANE DOE FISCHER, husband and wife and
the marital community comprised thereof; and
OFFICE OF POLICE ACCOUNTABILITY,

Defendants.

No. 2:21-cv-01560-RSM

DECLARATION OF KERALA T.
COWART IN SUPPORT OF
DEFENDANTS' PRAECIPE TO CORRECT
ERROR IN PARTIES' JOINT STATUS
REPORT AND DISCOVERY PLAN

I, KERALA T. COWART, being familiar with the facts set forth herein based on my personal
knowledge, and being competent to testify, hereby declare under penalty of perjury that the
DECLARATION OF KERALA T. COWART IN SUPPORT OF
DEFENDANTS' PRAECIPE TO CORRECT ERROR IN PARTIES' JOINT
STATUS REPORT AND DISCOVERY PLAN - 1
(2:21-cv-01560-RSM)

Ann Davison
Seattle City Attorney
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(206) 684-8200

1 following is true and correct:

- 2 1. I am an Assistant City Attorney representing the Defendants in this case.
- 3 2. My co-counsel John Barry and I have worked diligently to develop an agreed, joint status
4 report and discovery plan with Ms. Martinez (nee Reynolds). A corrected version of the
5 report is attached as Exhibit A.
- 6 3. We met with Ms. Martinez by phone for more over an hour the afternoon of February 9,
7 2022, during which time we went through each of the topics to be discussed under Federal
8 Rule 26(f) and Local Civil Rule 26(f). Although we are not able to give legal advice to Ms.
9 Martinez, we spent a great deal of time attempting to explain what each of the topics would
10 mean for the case in practical, non-legal terms.
- 11 4. The next day, February 10, I endeavored to record the parties' agreed and disputed positions
12 in a draft, proposed joint status report and provided that draft report to Ms. Martinez. *See*
13 Exhibit B (February 10 – March 7, 2022 Emails) at 4. We received a pdf document from
14 Ms. Martinez on the afternoon of March 3, 2022, which did not explain what changes she
15 had made or contain any redlines showing those changes. *See id.* at 2. To identify and review
16 changes, I asked Ms. Martinez to provide a Microsoft Word version, but she did not do so.
17 *Id.* at 3. Accordingly, on the morning of March 7, the deadline for the report, I converted
18 Ms. Martinez's file from pdf to Microsoft Word and tried to create a redline version that
19 way. *Id.* at 2. I notified Ms. Martinez as to which of her proposed changes I was not going
20 to accept, *id.* at 1-2, and I filed what I believed to be a joint report that reflected the parties'
21 positions on March 7, 2022, *see* Dkt. 13.
- 22 5. On March 7, 2022, Ms. Martinez notified Defendants' counsel that she did not agree with
23 the filed report and stated that she was going to file a motion for sanctions. *See* Exhibit C

DECLARATION OF KERALA T. COWART IN SUPPORT OF
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STATUS REPORT AND DISCOVERY PLAN - 2
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(March 7-10, 2022 Correspondence and Emails) at 7. I offered to make changes to ensure that the Report was accurate from both parties' perspectives, provided that Ms. Martinez proposed changes in Microsoft Word and provided that she not propose changes to Defendants' positions. *Id.* at 6. My co-counsel and I worked over the next few days to understand which changes Ms. Martinez was requesting, however we found it challenging. *Id.* at 1-6. One continued source of disagreement was Ms. Martinez's request that changes be made to Defendants' description of Defendants' position. *Id.*

6. On March 10, 2022, Ms. Martinez provided a version of the Joint Status Report which I understand to be the version that she is satisfied with. *See* Exhibit D (March 10-11, 2022 Emails).

7. Exhibit E is a "redline" that compares Ms. Martinez's March 10 version with the initial version of the Report filed on March 7, with two exceptions: First, Defendants made to Defendants' positions in order to respond to Plaintiff's newly added statements of her position (Defendants' changes are shown in green). Second, Exhibit E does not contain Plaintiff's proposed revisions to the description of *Defendant's* position in paragraph 4.D. Defendants declined to make those revisions because they do not accurately state Defendants' position.

8. Although it has been difficult to ascertain, it is undersigned counsel's understanding that the corrected version of the Report in Exhibit A ("clean" version) and Exhibit E ("redline" version) contains all of Plaintiff's requested changes except for her proposed revisions description of Defendants' position in paragraph 4.D.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 DATED this 14th day of March, 2022 at Seattle, King County, Washington.

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4 s/ Kerala Cowart
5 Kerala Cowart, WSBA# 53649
6 Assistant City Attorney
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DECLARATION OF KERALA T. COWART IN SUPPORT OF
DEFENDANTS' PRAECIPE TO CORRECT ERROR IN PARTIES' JOINT
STATUS REPORT AND DISCOVERY PLAN - 4
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